IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.25567 of 2008
VIJAY KUMAR JHA @ V.K.JHA
Versus
THE UNION OF INDIA THRU. CBI.
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2 05/08/2008 Heard learned counsel for the petitioner and learned Standing Counsel representing the C.B.I.

The petitioner has been made an accused in a case registered under sections 120B, 409, 420, 467, 468, 471 of the Indian Penal Code and sections 13(2) read with 13(1) (c) and (d) of the Prevention of Corruption Act on the basis of complaint of D.G.M. S.B.I. (Vigilance).

The petitioner being the Manager (officiating manager) along with others conspired and caused a loss to the government by misappropriation of government funds by falsification of Book of Accounts of D.R.D.A. (government amount) for adjustment of 39 term loan accounts. After this complaint the matter was investigated and the investigation revealed that 33 loan accounts were opened in S.B.I., Samastipur Branch showing disbursement of loan in different names. Only 16 loan accounts were made available by SBI and rest were not made available by the Manager of the S.B.I. Samastipur Branch. The officials of the S.B.I. were granted ID and that ID was the identification of the person who has taken all transaction by using the password. Investigation revealed that out of 33 loanees 17 existed and 16 were non existent. The petitioner and another accused S. K. Sinha has closed 16 non existent loan account on 13.3.2006 by falsely debiting the Saving Account No. 01190008757 of the

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Chairman D.R.D.A. Samastipur through partition No. 10 which was allotted to S.K. Sinha by using their password and ID.

Learned counsel for the petitioner submitted that the petitioner had no role which is apparent from the narration in the FIR itself. The petitioner has not passed any withdrawal slip. He has not set up any limit of loan account. Other persons were responsible for causing loss.

Allegation is specific that this petitioner and S.K. Sinha have closed 16 non existent loan account on 30.3.2006 by debiting the account No. 01190008757 of Chairman D.R.D.A., Samastipur. The bank had suffered a wrongful loss of Rs. 19,98,000/- on account of those non existent loanees. The petitioner at that time was the Chief Manager S.B.I. and there is allegation that he in conspiracy with others have caused such loss. It also appears that prayer for bail of other accused persons have been rejected by this court.

Considering the above facts, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for bail is rejected.

avin. **(Shyam Kishore Sharma, J.)**

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